

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BARRON PARTNERS, LP,

Docket No: 07-CV-11135 (JSR)

Plaintiff

- against -

LAB123, INC., HENRY A. WARNER, FRED
FITSIMMONS, KENT B. CONNALLY, KURT
KATZ, ROBERT TRUMPY, JEREMY A. WARNER,
DAVID FLEISNER, BIOSAFE LABORATORIES,
INC, and BIOSAFE MEDICAL TECHNOLOGIES,
INC.,

Defendants

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NOTICE OF MOTION

To: Lax & Neville, LLP	Janene Marasciullo
Barry R. Lax	Kaufman Dolowich & Voluck LLP
1412 Broadway, Suite 1407	135 Crossways Park Drive , Suite 201
New York, NY 10018	Woodbury, NY 11797

PLEASE TAKE NOTICE that Defendants Fred Fitzsimmons and David Fleisner (“Settling Defendants”) upon their **Motion of Settling Defendants Fred Fitzsimmons and David Fleisner for a Settlement Bar Order**, attached hereto, seek a settlement bar order discharging them of all obligations to Barron Partners, LP arising out of the above-referenced action and for all future claims of contribution. Plaintiff, Barron Partners, LP, has no objection to this motion. The remaining defendants have until May 8, 2008 to respond, and the Settling Defendants have until May 15, 2008 to reply. If oral argument is necessary, the hearing is set for June 3, 2008 at 12:00 p.m. If oral argument is unnecessary, Judge Rakoff will provide a written order.

Dated: April 7, 2008

Respectfully submitted,

Edward T. Joyce & Associates, P.C.,

BY: //s// Arthur W. Aufmann
Arthur W. Aufmann

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Attorney No. 32513

Attorneys for Defendants Fred Fitzsimmons and David Fleisner

CERTIFICATE OF SERVICE

The undersigned attorney, certifies that on April 7, 2008, he caused **MOTION OF SETTLING DEFENDANTS FRED FITZSIMMONS AND DAVID FLEISNER FOR A SETTLEMENT BAR ORDER and NOTICE OF MOTION** to be served upon

Counsel for Plaintiff

Barry R. Lax
Lax & Neville, LLP
1412 Broadway, Suite 1407
New York, NY 10018

Counsel for Lab123, Inc., Henry A. Warner, Kent B. Connally, Kurt Katz, Robert Trumpy, Jeremy A. Warner, Biosafe Laboratories, Inc. and Biosafe Medical Technologies, Inc.

Janene Marasciullo
Kaufman Dolowich & Voluck LLP
135 Crossways Park Drive, Suite 201
Woodbury, NY 11797

by electronically delivering a copy through the Court's CM/ECF filing system.

/s/ Roger Crane